

Montana Department of Natural Resources and Conservation  
Water Resources Division  
Water Rights Bureau

**ENVIRONMENTAL ASSESSMENT**  
**For Routine Actions with Limited Environmental Impact**

**Part I. Proposed Action Description**

1. *Applicant/Contact name and address:* ROARING LION LLC  
77 STORM KING RD  
HAMILTON, MT 59840
2. *Type of action:* APPLICATION TO CHANGE A WATER RIGHT 76H-30025170
3. *Water source name:* SAWTOOTH CREEK
4. *Location affected by project:* SWNWNE AND SWSENE SECTION 9, T5N, R21W, RAVALLI CO.
5. *Narrative summary of the proposed project, purpose, action to be taken, and benefits:*  
THIS APPLICATION TO CHANGE A WATER RIGHT IS A REQUEST TO ADD THE PURPOSE OF POWER GENERATION, ADD TO THE PLACE OF USE AND ADD A POINT OF DIVERSION TO AN EXISTING IRRIGATION WATER RIGHT. THE PROPOSED PROJECT INCLUDES THE CONSTRUCTION OF A NEW DIVERSION, A SMALL CHECK DAM, ON SAWTOOTH CREEK AT A POINT LOCATED IN THE SWNWNE OF SECTION 9, T5N, R21W. WATER WILL BE CONVEYED VIA PIPELINE FROM THE DIVERSION TO A POWER GENERATION FACILITY LOCATED IN THE SWSENE OF SECTION 9, T5N, R21W. AFTER USE, THE DIVERTED WATER WILL BE RETURNED TO THE SAWTOOTH CREEK UPSTREAM OF THE NEAREST AFFECTED DIVERSIONS. THERE ARE NO DIVERSION BETWEEN THE POWER GENERATION FACILITY AND THE PROPOSED NEW DIVERSION.  
  
THE DNRC SHALL ISSUE AN AUTHORIZATION TO CHANGE A WATER RIGHT IF THE APPLICANT PROVES THE CRITERIA IN §85-2-402, MCA ARE MET.
6. *Agencies consulted during preparation of the Environmental Assessment:*  
(include agencies with overlapping jurisdiction)

MONTANA NATURAL HERITAGE PROGRAM FOR THREATENED AND ENDANGERED  
PLANT AND ANIMAL INFORMATION  
STATE OF MONTANA HISTORICAL PRESERVATION OFFICE FOR CULTURAL  
INFORMATION  
MFISH WEBSITE FOR FISHERY AND WATER QUANTITY INFORMATION  
MTDEQ WEBSITE FOR WATER QUALITY INFORMATION

## **Part II. Environmental Review**

### **1. Environmental Impact Checklist:**

<b>PHYSICAL ENVIRONMENT</b>
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#### **WATER QUANTITY, QUALITY AND DISTRIBUTION**

**Water quantity** - *Assess whether the source of supply is identified as a chronically or periodically dewatered stream by DFWP. Assess whether the proposed use will worsen the already dewatered condition.*

*Determination:* NO SIGNIFICANT IMPACTS.

ACCORDING TO THE INFORMATION ON MFISH, THE MTDFWP WEBSITE, SAWTOOTH CREEK IS NOT IDENTIFIED AS DEWATERED. EXCEPT IN THE STRETCH OF SAWTOOTH CREEK BETWEEN THE DIVERSION AND THE RETURN POINT, THE PROPOSED PROJECT WOULD NOT WORSEN THE EXISTING WATER QUANTITY SITUATION IN THE SOURCE OF SUPPLY.

**Water quality** - *Assess whether the stream is listed as water quality impaired or threatened by DEQ, and whether the proposed project will affect water quality.*

*Determination:* NO SIGNIFICANT IMPACTS.

THE PROPOSED PROJECT IS TO DIVERT WATER FROM AND BACK TO SAWTOOTH CREEK VIA A CLOSED PIPELINE. NO CONTAMINATION IS EXPECTED. A SEARCH OF THE MTDEQ WEBSITE INDICATES SAWTOOTH CREEK IS NOT IDENTIFIED AS WATER QUALITY IMPAIRED.

**Groundwater** - *Assess if the proposed project impacts ground water quality or supply. If this is a groundwater appropriation, assess if it could impact adjacent surface water flows.*

*Determination:* NO SIGNIFICANT IMPACTS.

THE PROPOSED PROJECT TO DIVERT SURFACE WATER IS TO BE COMPLETELY NON-CONSUMPTIVE AND IS NOT EXPECTED TO AFFECT GROUNDWATER.

**DIVERSION WORKS** - *Assess whether the means of diversion, construction and operation of the appropriation works of the proposed project will impact any of the following: channel impacts, flow modifications, barriers, riparian areas, dams, well construction.*

*Determination:* NO SIGNIFICANT IMPACTS.

THE PROPOSED DIVERSION CONSISTS OF A SMALL CHECK DAM THAT WOULD DIVERT WATER INTO AN 8-INCH PIPELINE. WATER WOULD BE CONVEYED VIA THIS PIPELINE TO A POWER GENERATOR NEAR THE PROPOSED PLACE OF USE. WATER IS CONVEYED FROM THE GENERATOR VIA A SECOND PIPELINE DIRECTLY TO THE SAWTOOTH CREEK. THE SYSTEM IS TO BE DESIGNED BY AN EXPERIENCED CONTRACTOR WHO SPECIALIZES IN HYDROPOWER GENERATION SYSTEMS.

#### **UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES**

**Endangered and threatened species** - *Assess whether the proposed project will impact any threatened or endangered fish, wildlife, plants or aquatic species or any "species of special concern," or create a barrier to the migration or movement of fish or wildlife. For groundwater, assess whether the proposed project, including impacts on adjacent surface flows, would impact any threatened or endangered species or "species of special concern."*

*Determination:* NO SIGNIFICANT IMPACTS.

THE MONTANA NATURAL HERITAGE PROGRAM RESPONDED TO THE DEPARTMENT'S REQUEST FOR INFORMATION ON SPECIES OF SPECIAL CONCERN WITH THE FOLLOWING:

THE USFWS AND USFS THREATENED AND USBLM SPECIAL STATUS BULL TROUT IS IDENTIFIED IN THE ENTIRE LENGTH OF SAWTOOTH CREEK.

THE USFS AND USBLM SENSITIVE WESTSLOPE CUTTHROAT TROUT IS IDENTIFIED IN SAWTOOTH CREEK.

THE USFWS AND USFS THREATENED AND USBLM SPECIAL STATUS CANADA LYNX HABITAT AREA OF CONCERN INCLUDES THE PROPOSED PROJECT AREA.

THE USFWS DM AND USFS AND USBLM SENSITIVE PEREGRINE FALCON IS IDENTIFIED WITH HABITAT WITHIN THE AREA OF THE PROPOSED PROJECT.

THE PALISH SAGE IS IDENTIFIED IN THE VICINITY OF THE PROPOSED PROJECT.

THE MARBLED JUMPING-SLUG IS IDENTIFIED IN THE VICINITY OF THE PROPOSED PROJECT.

THE USFS AND USBLM SENSITIVE TOWNSEND'S BIG-EARED BAT IS IDENTIFIED IN THE VICINITY OF THE PROPOSED PROJECT.

**Wetlands** - *Consult and assess whether the apparent wetland is a functional wetland (according to COE definitions), and whether the wetland resource would be impacted.*

*Determination:* NO IMPACTS.

THERE ARE NO WETLANDS IN THE VICINITY OF THE PROPOSED PROJECT THAT WOULD BE AFFECTED.

**Ponds** - *For ponds, consult and assess whether existing wildlife, waterfowl, or fisheries resources would be impacted.*

*Determination:* NO IMPACTS.

THERE ARE NO PONDS IN THE VICINITY OF THE PROPOSED PROJECT THAT WOULD BE AFFECTED.

**GEOLOGY/SOIL QUALITY, STABILITY AND MOISTURE** - *Assess whether there will be degradation of soil quality, alteration of soil stability, or moisture content. Assess whether the soils are heavy in salts that could cause saline seep.*

*Determination:* NO SIGNIFICANT IMPACTS.

THE PROPOSED PROJECT IS NOT EXPECTED TO ALTER SOIL QUALITY, STABILITY OR MOISTURE CONTENT.

**VEGETATION COVER, QUANTITY AND QUALITY/NOXIOUS WEEDS** - *Assess impacts to existing vegetative cover. Assess whether the proposed project would result in the establishment or spread of noxious weeds.*

*Determination:* NO SIGNIFICANT IMPACTS.

THE PROPOSED PROJECT IS NOT EXPECTED TO CAUSE IMPACTS TO EXISTING VEGETATIVE COVER.

**AIR QUALITY** - *Assess whether there will be a deterioration of air quality or adverse effects on vegetation due to increased air pollutants.*

*Determination:* NO IMPACTS.

THE PROPOSED PROJECT WOULD NOT BE EXPECTED TO CAUSE AIR POLLUTION.

**HISTORICAL AND ARCHEOLOGICAL SITES** - *Assess whether there will be degradation of unique archeological or historical sites in the vicinity of the proposed project.*

*Determination:* NO SIGNIFICANT IMPACTS.

THE STATE HISTORICAL PRESERVATION OFFICE RECOMMENDS THAT UNLESS THERE ARE BUILDINGS OVER 50 YEARS OLD, THAT NO CULTURAL INVENTORY IS WARRANTED FOR THE PROPOSED PROJECT

**DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY** - *Assess any other impacts on environmental resources of land, water and energy not already addressed.*

*Determination:* NO IMPACTS.

## HUMAN ENVIRONMENT

**LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS** - *Assess whether the proposed project is inconsistent with any locally adopted environmental plans and goals.*

*Determination:* NO SIGNIFICANT IMPACTS.

THERE ARE NO LOCALLY ADOPTED ENVIRONMENTAL PLANS OR GOALS THAT WOULD PROHIBIT THE PROPOSED PROJECT.

**ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES** - *Assess whether the proposed project will impact access to or the quality of recreational and wilderness activities.*

*Determination:* NO SIGNIFICANT IMPACTS.

THE PROPOSED PROJECT WOULD NOT RESTRICT ACCESS TO RECREATIONAL OR WILDERNESS ACTIVITIES.

**HUMAN HEALTH** - *Assess whether the proposed project impacts on human health.*

*Determination:* NO IMPACTS.

NO HUMAN HEALTH ISSUES ARE IDENTIFIED AS A RESULT OF THE PROPOSED PROJECT.

**PRIVATE PROPERTY** - *Assess whether there are any government regulatory impacts on private property rights.*

*Yes\_\_\_ No\_X\_\_ If yes, analyze any alternatives considered that could reduce, minimize, or eliminate the regulation of private property rights.*

*Determination:*

**OTHER HUMAN ENVIRONMENTAL ISSUES** - For routine actions of limited environmental impact, the following may be addressed in a checklist fashion.

*Impacts on:*

- |   |      |
|---|------|
| (a) <u>Cultural uniqueness and diversity?</u>                   | NONE |
| (b) <u>Local and state tax base and tax revenues?</u>           | NONE |
| (c) <u>Existing land uses?</u>                                  | NONE |
| (d) <u>Quantity and distribution of employment?</u>             | NONE |
| (e) <u>Distribution and density of population and housing?</u>  | NONE |
| (f) <u>Demands for government services?</u>                     | NONE |
| (g) <u>Industrial and commercial activity?</u>                  | NONE |
| (h) <u>Utilities?</u>   | NONE |
| (i) <u>Transportation?</u>                                      | NONE |
| (j) <u>Safety?</u>  | NONE |
| (k) <u>Other appropriate social and economic circumstances?</u> | NONE |

**2.     *Secondary and cumulative impacts on the physical environment and human population:***

Secondary Impacts     NONE IDENTIFIED.

Cumulative Impacts     NONE IDENTIFIED.

**3.     *Describe any mitigation/stipulation measures:*     NONE IDENTIFIED.**

**4.     *Description and analysis of reasonable alternatives to the proposed action, including the no action alternative, if an alternative is reasonably available and prudent to consider:***     OTHER THAN THE NO ACTION ALTERNATIVE THERE ARE NO REASONABLE ALTERNATIVES TO THE PROPOSED PROJECT. THE NO ACTION ALTERNATIVE WOULD DISALLOW THE APPLICANT FROM ADDING THE PURPOSE OF POWER GENERATION, ADDING A POINT OF DIVERSION FOR POWER GENERATION AND ADDING A PLACE OF USE FOR POWER GENERATION TO AN EXISTING IRRIGATION WATER RIGHT.

*PART III. Conclusion*

**1. Preferred Alternative**

**2 Comments and Responses**

**3. Finding:**

*Based on the significance criteria evaluated in this EA, is an EIS required?*

Yes\_\_\_ No X\_\_\_

*If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action:* AN EA IS THE APPROPRIATE LEVEL OF ANALYSIS FOR THIS PROPOSED ACTION BECAUSE NO SIGNIFICANT IMPACTS HAVE BEEN IDENTIFIED AS A RESULT OF THE PROPOSED ACTION.

*Name of person(s) responsible for preparation of EA:*

Name: PATRICK RYAN  
Title: WATER RESOURCE SPECIALIST  
Date: MARCH 22, 2007